

**Preparing for the CEPA Review
Workshop by Environment Canada and Health Canada
Toronto Session - Jan 25-26th, 2005**

Draft Notes from Plenary - Fe de Leon

Issues raised by participants

- pollution prevention plans - the timing and requirements for these plans must be reviewed
- PSL risk assessment is slow and cumbersome
 - there have been 79 Risk assessments undertaken - 600 substances from the DSL assessed
- question about pollution prevention plans and compliance issue - Is compliance required for preparation of the plans itself or the actual results from the plan?
 - Response - whoever is required to prepare plans must submit declaration of plans and notify Ministry if they achieve the details of the plans (these are components that are required under the act)
- assess the impact of "smart regulation" on CEPA
 - Response: recognize that Canada is a player in the global community and Environment Canada and Health Canada must also work with other departments - harmonizing to ensure that those affected sectors comply with the law. This effort will streamline reporting requirements by choosing the right tool, work with right people .
- the next evolution of CEPA should be to look at classes of chemicals and chemicals in products as assessments are undertaken
- request for cost benefit analysis of implementing CEPA
- how does CEPA interact with other Canadian legislation - both at the federal, provincial and municipal levels
 - is CEPA a leader in environmental protection or a residual act (backstop when other legislation is not applicable)
- transparency issues - for example in the screening level risk assessments, TSL listing of chemicals
- precautionary principle - application in CEPA implementation efforts is not consistent
- implementation of CEPA is a significant matter
 - municipalities are significantly affected by the need to complete pollution prevention plans for sewage treatment plants
 - need funding for implementation of pollution prevention plans
- NPRI database - issue of accuracy of data, what the parameters are for use of the data and quality control (prevent misuse of data) (raised by industry rep)
- Bluntness of the legislation - CEPA needs finessing on how it is to work
- Canadian Northern Affairs Canada - lack regulations on STP on federal lands or reserves
CEPA - inconsistent in enforcement on federal lands or reserves
 - how does Fisheries Act work with CEPA
- Dispute on decisions or findings listed through the Canada Gazette - where can the public go for this information

- Application of precautionary principle approach must be applied to vulnerable populations
 - CANTOX - application of enforcement, delivery and monitoring issues are critical in the CEPA review
- Jack Soule - frequency of CEPA review is too soon
- extend the review to 7-10 years
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- Communicating CEPA to the public at large is an issue
 - CPCHE - national biomonitoring programs needed to assist in determining how human health is doing.
 - major trading partners the US - need to consider a North American EPA
 - Alcan - implementation, communication of CEPA, frequency of review all should be covered in CEPA review
 - need more government resources
 - issue of Confidential Business Information - is a huge challenge
 - this is not transparent /open
 - word "toxics" - used without qualifiers
 - does not indicate the level of risk and hazards
 - biotechnology and nanotechnology significant issues
 - endorse domestic products - issues for discharge to municipal waste water plants
 - international leadership - impact on global community
 - performance of CEPA- evaluation required
 - implementing and management- industry should be provided tax incentives
 - use of EPAM -
 - review target dates for compliance
 - tools for taking action - no promotion for Pollution prevention efforts beyond specific sectors that have undertaken activities
 - human health - medical health and practitioners need to be integrated into CEPA
 - those industry that do not comply must pay a fine,- need improved whistle blower provisions
 - fair and efficient process - smart regulations and what this means
 - question CEPA toxic definition
 - consumer products - chemicals not notified or declared toxic under Act
 - need tightening of regulation
 - redundancy of science- toxic substances list is incomplete
 - need information on human health impact and other information
 - Pollution Prevention Plans - need further regulations for clarification of plans and requirements

- cumulative environment and health impacts should be included in assessment process
 - survey demonstrate people not feel that they are impacted by CEPA

- issue of NPRI requirements
- international commitment and agreements - how can CEPA address these

information gathering request - where is the accountability for department

- what is the return to industry
- what happens with the data
- state of environment report are good - add more to reporting

issue of harmonizing CEPA with other legislation

- public participation
 - different sectors and individuals - how do they get involved and provide input
 - need longer timelines for commenting
 - need continuous process for review
- lack of regulations for ships, waste and emissions or need of enforcement - look at the Great Lakes basin
- what is meant by pollutants - should be broadened
- issue of confidentiality and transparency
- issue of compliance
- application for enforcement needs to be consistent from region to region

BC212 - private members bill on cost recovery fees

- what does this mean to CEPA

How do other government departments communicate with EC/HC on CEPA

- how will this be made public

- Risk communicator - need to be better used by HC/EC
- given limited resources
 - pollution prevention models - give companies edge
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Communication to the public - view web site - need some improvements

- different provinces have different mandate
- federal government needs a strong role
- Right to Know - MOH-Toronto - report 10 carcinogens
 - 11 companies on NPRI out of 115 companies in the South Riverdale community report to NPRI
 - need lower thresholds for reporting
- toxicity definition'
- cEPA and its impact on bottom line for companies